

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**RSA No.1067 of 2016 (O&M)
Date of Decision:26.09.2018**

Sita Ran through LRs

...Appellant(s)

Versus

Jagdev Singh

...Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.G.S.Bhatia, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Defendant-appellant through his legal heirs is in the regular second appeal against the concurrent findings of fact arrived at by the courts below while decreeing the suit filed by the plaintiff for declaration that he is owner in possession of the property purchased vide sale-deed dated 30.3.1993 and granting injunction in his favour, restraining the defendant unlawfully interfering in the possession.

The defendant contested the suit and pleaded that he is owner in possession of the property since the time of his ancestors.

Both the courts below after noticing that the property is situated within the residential area of Village Dhakoli and the defendant when appeared in evidence admitted that Parsin Kaur, vendor of the plaintiff, was in possession and the plaintiff has become owner in possession, decreed the suit. Still further, courts have noticed that Teja Singh (PW-2) when appeared in evidence, counsel for the defendant did not cross-examine him.

Hence, the courts have taken a view that the evidence of PW-2 has gone unchallenged and unrebutted.

Although, learned counsel for the appellant made sincere attempt, however, could not persuade this Court to take a different view in view of the findings of fact arrived at by the courts below, which are neither shown to be erroneous nor result of misreading or non-reading of substantive evidence.

In view of the above, there is no ground to interfere. The present regular second appeal is dismissed. Pending application(s), if any, shall also stand disposed of, in terms thereof.

26.09.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No